



Reprinted
February 28, 2006

ENGROSSED SENATE BILL No. 297

DIGEST OF SB 297 (Updated February 27, 2006 8:45 pm - DI 96)

Citations Affected: IC 9-24; IC 35-43.

Synopsis: Penalty for false information given to the BMV. Provides that a person who: (1) knowingly or intentionally uses false information or otherwise commits fraud in an application for an identification card; or (2) knowingly or intentionally uses a false name or address or otherwise commits fraud in an application for a driver's license or permit; commits application fraud, a Class D felony. (Current law provides that the offenses are Class B and Class C misdemeanors, respectively.)

Effective: July 1, 2006.

Hershman

(HOUSE SPONSORS — FOLEY, KUZMAN)

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 19, 2006, reported favorably — Do Pass.

January 23, 2006, read second time, ordered engrossed. Engrossed.

January 26, 2006, read third time, passed. Yeas 45, nays 2.

HOUSE ACTION

February 2, 2006, read first time and referred to Committee on Roads and Transportation.

February 16, 2006, reported — Do Pass.

February 27, 2006, read second time, amended, ordered engrossed.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 297

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-24-16-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. **(a)** A person who:
3 (1) knowingly permits the use of an identification card issued
4 under this chapter by a person other than the person to whom the
5 card was issued;
6 (2) knowingly displays or represents as the person's own
7 identification card issued under this chapter an identification card
8 that was not issued to the person displaying the card;
9 (3) does not surrender, upon demand of the proper official, an
10 identification card issued under this chapter that has become
11 invalid or expired;
12 ~~(4) knowingly uses false information in an application for an~~
13 ~~identification card issued under this chapter or for a renewal or~~
14 ~~duplicate of a card or knowingly makes a false statement or~~
15 ~~otherwise commits fraud in an application; or~~
16 ~~(5)~~ **(4)** knowingly sells, offers to sell, buys, possesses, or offers a
17 false identification card that could reasonably be mistaken for a

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valid identification card required by this chapter to be issued by the bureau but that has not been issued by the bureau; commits a Class B misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses false information in an application:

(A) for an identification card issued under this chapter; or

(B) for a renewal or duplicate of an identification card issued under this chapter; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card issued under this chapter; commits application fraud, a Class D felony.

SECTION 2. IC 9-24-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person may not do any of the following:

(1) Display, cause or permit to be displayed, or have in possession a license or permit issued under this article knowing that the license or permit is fictitious or has been canceled, revoked, suspended, or altered.

(2) Lend to a person or knowingly permit the use by a person not entitled to use a license or permit a license or permit issued under this article.

(3) Display or represent as the person's license or permit issued under this article a license or permit not issued to the person.

(4) Fail or refuse to surrender, upon demand of the proper official, a license or permit issued under this article that has been suspended, canceled, or revoked as provided by law.

~~(5) Use a false or fictitious name or give a false or fictitious address in an application for a license or permit issued under this article or a renewal or duplicate of a license or permit issued under this article or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application.~~

~~(6)~~ (5) Knowingly sell, offer to sell, buy, possess, or offer as genuine, a license or permit required by this article to be issued by the bureau that has not been issued by the bureau under this article or by the appropriate authority of any other state.

~~(b)~~ A person who knowingly or intentionally violates this section subsection commits a Class C misdemeanor.

(b) A person who:

(1) knowingly or intentionally uses a false or fictitious name

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or gives a false or fictitious address in an application:

(A) for a license or permit issued under this article; or

(B) for a renewal or duplicate of a license or permit issued under this article; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits a fraud in an application for a license or permit issued under this article; commits application fraud, a Class D felony.

SECTION 3. IC 35-43-5-2, AS AMENDED BY P.L.45-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who knowingly or intentionally:

(1) makes or utters a written instrument in such a manner that it purports to have been made:

(A) by another person;

(B) at another time;

(C) with different provisions; or

(D) by authority of one who did not give authority; or

(2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made:

(A) by another person;

(B) at another time;

(C) with different provisions; or

(D) by authority of one who did not give authority;

commits counterfeiting, a Class D felony.

(b) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:

(1) by another person;

(2) at another time;

(3) with different provisions; or

(4) by authority of one who did not give authority;

commits forgery, a Class C felony.

(c) This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48). A person who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license or for a renewal or a duplicate of a driver's license; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits fraud in an application for a driver's license;

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1 commits application fraud, a Class D felony.
2 (d) This subsection applies to a person who applies for a state
3 identification card (as issued under IC 9-24-16). A person who:
4 (1) knowingly or intentionally uses false information in an
5 application for an identification card or for a renewal or
6 duplicate of an identification card; or
7 (2) knowingly or intentionally makes a false statement or
8 otherwise commits fraud in an application for an
9 identification card;
10 commits application fraud, a Class D felony.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 297, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 297 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DUNCAN, Chair

Committee Vote: yeas 8, nays 2.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 297 be amended to read as follows:

Page 2, line 5, after "knowingly" insert "**or intentionally**".

Page 2, line 9, after "knowingly" insert "**or intentionally**".

Page 2, line 12, after "commits" insert "**application fraud,**".

Page 3, line 4, before "makes" insert "**or intentionally**".

Page 3, line 4, after "or" delete "knowingly".

Page 3, line 7, after "commits" insert "**application fraud,**".

Page 3, after line 7, begin a new paragraph and insert:

"SECTION 3. IC 35-43-5-2, AS AMENDED BY P.L.45-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who knowingly or intentionally:

(1) makes or utters a written instrument in such a manner that it purports to have been made:

(A) by another person;

(B) at another time;

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(C) with different provisions; or
 (D) by authority of one who did not give authority; or
 (2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made:

- (A) by another person;
- (B) at another time;
- (C) with different provisions; or
- (D) by authority of one who did not give authority;

commits counterfeiting, a Class D felony.

(b) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:

- (1) by another person;
- (2) at another time;
- (3) with different provisions; or
- (4) by authority of one who did not give authority;

commits forgery, a Class C felony.

(c) This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48). A person who:

- (1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license or for a renewal or a duplicate of a driver's license; or**
- (2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits fraud in an application for a driver's license;**

commits application fraud, a Class D felony.

(d) This subsection applies to a person who applies for a state identification card (as issued under IC 9-24-16). A person who:

- (1) knowingly or intentionally uses false information in an application for an identification card or for a renewal or duplicate of an identification card; or**
- (2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card;**

commits application fraud, a Class D felony."

(Reference is to ESB 297 as printed February 17, 2006.)

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